



CRL OP (MD) No.4193 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4193 of 2025

Kumar @ Kumar Selvam

... Petitioner/ A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
Crime No.58 of 2025.

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.58 of 2025 on the file of the respondent -police.



CRL OP (MD) No.4193 of 2025

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A2 was arrested and remanded to judicial custody on 20.02.2025 for the offences punishable under Sections 288, 125(a) & 105 of BNS, 2023 and Section 9(B)(1)(a) of Explosives Act, 1884, in Crime No.58 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 19.02.2025, at about 4:30 p.m., the defacto complainant and others were working at Neerathilingam Fireworks in Anaiyur, Sivakasi, Virudhunagar District. At the time of handling inflammable chemicals for making fancy variety crackers in one of the working sheds, a fire broke out due to suspected friction. Immediately, it was reported to the Fire and Rescue Services Department. In the said occurrence, two persons sustained grievous injuries, and one person passed away. The allegation against the petitioner is that he, being the foreman, along with the owner, hired workers without providing sufficient safety measures. Hence, the complaint.



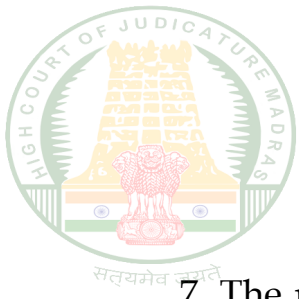
CRL OP (MD) No.4193 of 2025

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4. Mr.M.Jegadeesh Pandian, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioner. He further submits that the petitioner is one of the workers employed by the owner (A1). He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that due to the negligent act of the petitioner and the owner (A1), two persons sustained injuries and one person died. He further submits that the injured persons were discharged from the hospital. He also submits that the investigation in the case is still pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond, cause a threat to the defacto complainant, and delay the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.



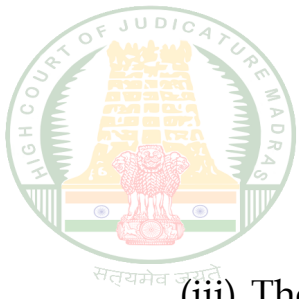
CRL OP (MD) No.4193 of 2025

WEB COPY

7. The petitioner was arrested and remanded to judicial custody on 20.02.2025, and he is still in judicial custody i.e., for more than 25 days. Considering the same, and also considering the nature of allegations made against the petitioner, the period of incarceration, and the fact that the injured persons were discharged from the hospital, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District shall obtain a copy of any one of identity proofs to ensure their identity;



CRL OP (MD) No.4193 of 2025

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(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Pudukkottai;

(iv) The petitioner shall appear and sign before the respondent- police daily at 10:30 a.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not directly or indirectly any threat to the defacto complainant, the family members of the deceased and the witnesses; and



CRL OP (MD) No.4193 of 2025

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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
17/03/2025

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17/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.I
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



CRL OP (MD) No.4193 of 2025

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3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE JUDICIAL MAGISTRATE NO.I, PUDUKKOTTAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-2918[I] dated 17/03/2025)

ORDER
IN
CRL OP(MD) No.4193 of 2025
Date :17/03/2025

SS/SAR- /17/03/2025/ 7P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023